

**Office of Child Support  
Enforcement (OCSE)  
Information Memorandum**

US Department of  
Health and Human Services  
Administration for Children  
and Families  
Washington, DC 20447

Memorandum No. IM-00-05

Date: May 8, 2000

**TO:** STATE AGENCIES ADMINISTERING CHILD SUPPORT ENFORCEMENT PLANS UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT AND OTHER INTERESTED INDIVIDUALS.

**SUBJECT:** Joint Guidance on Strategies to Enhance the Recruitment, Referral, Eligibility Determination, and Service Provision Processes Between Welfare-to-Work (WtW), Temporary Assistance for Needy Families (TANF), and Child Support Enforcement (CSE) Agencies.

**REFERENCES:** Title IV-A and Title IV-D of the Social Security Act (SSA); see especially Sections 403(a)(5)(A)(ii)(I)(ff), 403(a)(5)(K), and 454A(f)(5); Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193); Balanced Budget Act of 1997 (Pub. L. 105-33) amending Title IV-A of the SSA; Child Support Performance and Incentive Act of 1998 (Pub. L. 105-200); 20 CFR Part 645, WtW Interim Final Rule (published at 62 Fed. Reg. 61588 (Nov. 18, 1997)); 45 CFR Part 260-265, TANF Final Rule (published at 64 Fed. Reg. 17719 (April 12, 1999)); Title VIII of H.R. 3424, enacted as part of the Consolidated Appropriations Act for FY 2000 (Pub. L. 106-113), which contains the "Welfare to Work and Child Support Amendments of 1999" ("the 1999 Amendments"); Workforce Investment Act of 1998 (Pub. L. 105-220).

**PURPOSE:** To transmit guidance developed jointly by the Departments of Health and Human Services (HHS) and Labor (DOL). This guidance addresses challenges encountered by Welfare-to-Work (WtW), Temporary Assistance for Needy Families (TANF), and Child Support Enforcement (CSE) agencies in the provision of services to WtW participants, and seeks to assist States and local communities to improve WtW program operations and enhance inter-agency collaboration.

**BACKGROUND:** Throughout the late spring and summer of 1999, Regional Office staff of the DOL-Employment and Training Administration (ETA) planned and facilitated WtW-TANF referral conferences in partnership with their counterparts at HHS-Administration for Children and Families (ACF). These conferences were held to identify specific challenges encountered by State and local WtW and TANF staff with regard to the recruitment, referral, eligibility determination, and service provision functions for WtW eligible individuals and participants. Regions provided conference reports to the DOL-ETA National Office, and the reports were used to develop this guidance. This guidance contains the most frequently identified challenges and the most innovative and feasible strategies for the improvement of program operations described in the conference reports. Additionally, this guidance addresses changes and issues that arose as a result of the 1999 Amendments, which were enacted on November 29, 1999.

This guidance was developed jointly by the Department of Labor-ETA and HHS-ACF, and is being issued simultaneously to the WtW, TANF, child support, and workforce development systems. The guidance focuses upon two major subject areas: (1) recruitment, referral, and eligibility determination for TANF recipients in WtW programs; and (2) recruitment, enrollment, and confidentiality issues for noncustodial parents in WtW programs. The "Operational Suggestions" sections in each subject area include functional steps and methods for improving inter-agency program operation and performance. These suggestions come largely from conference reports, with additional input from DOL-ETA and HHS-ACF staff. "Policy Guidance" sections clarify and reinforce existing statutory and regulatory mechanisms, including changes incorporated in the 1999 Amendments, intended to enhance and improve the ability of the three systems to work together efficiently and effectively.

**ACTION:** Please distribute the joint guidance to all State and local staff involved in the provision of services to WtW participants, welfare recipients, and noncustodial parents.

**INQUIRIES:** Inquiries from WtW grantees should be addressed to grantees' Grant Officer Technical Representatives (GOTR), or to the appropriate TANF or CSE Regional Office contacts. Regional Office contacts are located on the Internet at the following locations:

☐ Employment and Training Administration, Division of Welfare-to-Work (WTW,DOL) <http://wtw.doleta.gov/resources/regcon.htm>

- ☐ Administration for Children and Families, Office of Family Assistance (TANF, HHS) <http://acf.dhhs.gov/orgs/regions.htm>
- ☐ Administration for Children and Families, Office of Child Support Enforcement (OCSE, HHS) <http://www.acf.dhhs.gov/orgs/regions.htm>

ATTACHMENT: Joint guidance from the Department of Labor-ETA and HHS-ACF on Strategies to Enhance the Recruitment, Referral, Eligibility Determination, and Service Provision Processes Between WtW, TANF, and CSE.

/s/  
David Gray Ross  
Commissioner  
Office of Child Support Enforcement

cc: Hub Directors  
Regional Administrators  
Regional Program Managers

**Strategies to Enhance the Recruitment, Referral,  
Eligibility Determination, and Service Provision Processes  
Between Welfare-to-Work, Temporary Assistance for Needy Families,  
and Child Support Enforcement Entities**

## **I. Background**

Throughout the late spring and summer of 1999, U.S. Department of Labor-Employment and Training Administration (DOL-ETA) Welfare-to-Work (WtW) teams planned and facilitated Regional WtW -Temporary Assistance for Needy Families (TANF) referral conferences in conjunction with their counterparts at U.S. Department of Health and Human Services-Administration for Children and Families (HHS-ACF). The first purpose of these conferences was to identify specific challenges encountered by WtW and TANF program operators with regard to recruitment, referral, eligibility determination, and service provision functions for WtW participants. The second purpose of these conferences was to propose potential solutions to these challenges and provide policy guidance to facilitate successful program operation.

Regions who hosted referral conferences provided conference notes which were used to develop a matrix of all identified issues and solutions. The most dominant issues and the most viable solutions were targeted in the development of this guidance. ETA staff consulted further with TANF and CSE experts at HHS-ACF to develop additional solutions and strategies. ETA staff also solicited the input of other ETA Workforce Investment Act (WIA) and One-Stop staff to provide information on the partnerships required and suggested by WIA for WtW and TANF programs to coordinate at the local level through the One-Stop service delivery system.

This guidance will describe these significant challenges and the creative and useful solutions that came out of the conferences, in the sections titled "Operational Suggestions." *Please note that all operational suggestions are subject to the programmatic, fiscal, and administrative parameters and requirements governing the programs involved.* In addition, this guidance will clarify certain areas of policy in an effort to improve program operation and enhance inter-agency collaboration, in the "Policy Guidance" sections.

## **II. Identified Issues and Strategies**

### **A. Recruitment, Referral, & Eligibility Determination for TANF Recipients**

Conference reports identified a number of challenges in the areas of recruitment, referral, and eligibility verification for potential WtW participants. The most prominent theme was that WtW program operators are not receiving referrals of WtW-eligible TANF recipients from TANF agencies. Another challenge frequently mentioned was the difficulty WtW entities have in verifying TANF recipients' eligibility characteristics. Confidentiality and disclosure issues were cited as subsets of the overall eligibility verification concern. The lack of shared referral and

eligibility forms, absence of simplified eligibility verification via phone and/or fax, and insufficient computer connectivity and technology were all identified as problems. WtW program operators noted that, in many cases, TANF recipients may be sanctioned for noncompliance related to substance abuse or other factors which could be addressed by WtW service providers. The result is that these individuals are no longer eligible for WtW after losing their TANF assistance due to sanction. Conference participants from TANF agencies cited their already-heavy workloads, as well as current TANF-focused work priorities, as factors that make consistent involvement with and attention to WtW referral and eligibility determination efforts difficult. The relatively small scope of WtW funding (\$3 billion over two fiscal years) as compared to that of TANF funding (\$131.2 billion over eight fiscal years) was also named as a challenge to establishing recruitment, referral, and eligibility determination processes. Lastly, WtW competitive and formula grantees indicated that there is frequently competition for clients between the two types of WtW grantees. Several reports indicated that WtW formula grantees frequently have more established working relationships with TANF entities than do WtW competitive grantees; this was perceived as a challenge to competitive grantees receiving referrals and eligibility determination services for TANF recipients from the TANF entities.

#### OPERATIONAL SUGGESTIONS:

1. As appropriate, TANF and WtW entities may utilize public relations tools such as public service announcements, information posters on public transportation, television and radio advertisements, etc. to increase public knowledge of WtW programs serving welfare recipients.
2. Staff at all levels of TANF and WtW programs may engage in and support collaborative efforts between the programs.
3. TANF and WtW agencies may establish agreements outlining the responsibilities of each party with regard to referral and information-sharing processes. Under WIA, these agreements, or Memoranda of Understanding (MOUs), are negotiated between partners in the One-Stop system, and can be effective tools for improving recruitment, referral, and information-sharing efforts.
4. To ensure that TANF recipients receive appropriate WtW services, TANF agencies may provide WtW entities with lists of recipients who will soon exhaust their TANF eligibility or who otherwise appear to be eligible for enrollment in WtW.
5. WtW grantees may explore opportunities to use WtW funds to support outstationed WtW staff to do recruitment, referral, and eligibility determination at TANF offices and/or WIA One-Stop centers, and/or vice versa.
6. To minimize burden upon TANF and WtW entities and their potential participants, TANF and WtW entities may develop protocols for joint assessment and eligibility

determination processes for applicants. These joint activities could be delineated in the context of the WIA MOU, in keeping with WIA goals for universal eligibility determination across many programs.

7. TANF entities may provide local WtW program operators with read-only computer access to TANF recipients' eligibility characteristics information for the purposes of streamlining the referral and eligibility determination processes.

8. To avoid unnecessary sanctions, TANF agencies may screen TANF recipients for substance abuse and other employment barriers and refer to WtW programs as appropriate, using WtW services as preventative interventions prior to sanction, if possible.

9. TANF and WtW entities, along with other social service agencies and organizations, may form inter-agency advisory committees at State and local levels to develop recruitment, referral, and eligibility determination policy; meet regularly; and oversee interagency collaboration and service delivery. Front-line staff from all programs may be involved in the design and delivery of programs and services, and participate in regular inter-agency front-line staff meetings. This strategy may be best accomplished through coordination with the State and local Workforce Boards instituted by WIA, as WtW representatives are required on the boards, and TANF representatives are optional partners on the boards.

10. TANF and WtW entities may link to State and local WtW and TANF web sites, as well as State and local WIA and/or One-Stop web sites, to facilitate programmatic information-sharing.

11. TANF, WtW, and WIA One-Stop entities may conduct joint staff planning and joint program training.

12. TANF and WtW agencies may work together effectively to improve the referral and eligibility determination process, with particular attention to involving WtW competitive grantees in referral and eligibility efforts.

#### POLICY GUIDANCE:

1. DOL-ETA and HHS-ACF are committed at all levels to the successful implementation and operation of the WtW program. WtW and TANF agencies are expected to collaborate to improve the recruitment and referral of WtW-eligible individuals to WtW programs. The success of welfare reform and WtW efforts is dependent upon agencies' referrals of eligible participants to these projects. TANF agencies should be aware that TANF recipients' participation in WtW activities can potentially prevent TANF sanctions and positively impact TANF work participation rates. State and local TANF and WtW

agencies should work together to provide lists of potentially eligible individuals to WtW programs; implement simplified phone and fax referrals and joint eligibility determination procedures; dedicate staff time or outstation staff for recruitment, referral, and eligibility determination efforts; and participate in joint planning, training, and policy development for welfare reform and WtW efforts. Similarly, WtW and TANF agencies should be aware that recruitment and referral of WtW-eligible TANF recipients can be greatly enhanced through collaboration with One-Stop centers.

2. Confidentiality and disclosure issues: Under the SSA at Section 402(a)(1)(A)(iv), State TANF agencies may share certain information about TANF recipients with PICs and WIA local boards, the successor entities of PICs, administering WtW programs, and with WtW competitive grantees, unless otherwise stipulated in State law. This section of the SSA provides that the State's TANF plan must outline how the State intends to take such reasonable steps as the State deems necessary to restrict the use and disclosure of information about individuals and families receiving TANF assistance. This provision provides that the State must outline how it intends to safeguard use and disclosure of information. It does not, however, preclude the TANF agency from sharing certain information with WtW grantees so that these grantees can determine the WtW eligibility of TANF recipients.

3. In an effort to reduce the stated competition between WtW formula and competitive grantees for eligible participants, all WtW grantees are reminded of the requirements at 645.500(b) of the WtW Interim Final Rule. Competitive grant applicants other than Private Industry Councils (PICs) or political subdivisions of the State were required to submit their grant application "in conjunction with" the applicable PIC(s) or political subdivision(s) included in the geographic area in which the applicant proposed to operate. The submission of a competitive grant application by an entity other than a PIC or political subdivision "in conjunction with" the applicable PIC(s) or political subdivision(s) indicated that the application included a certification signed by both the applicant and the applicable PIC(s) or political subdivision(s) (or a certification indicating that the applicant attempted to consult with the PIC[s] or political subdivision[s]). This signed certification declared that the applicant had consulted with the applicable PIC(s) or political subdivision(s) during the development of the application, and that the activities proposed in the application were consistent with, and would be coordinated with, the WtW efforts of the PIC(s) or political subdivision(s). WtW formula and competitive grantees, therefore, have a mutual responsibility to uphold their certifications to coordinate their WtW efforts.

#### **B. Noncustodial Parent (NCP) Recruitment, Enrollment, and Confidentiality Issues**

Regional conference reports identified several challenges regarding the recruitment and referral of NCPs. Particular challenges raised included insufficient communication between WtW and

IV-D<sup>1</sup> staff regarding WtW-eligible NCPs; lack of information on NCPs who live in different states from their children; and the income withholding methods, such as wage garnishing, used with NCPs who have significant child support arrears, which can discourage the participation of NCPs in WtW programs.

#### OPERATIONAL SUGGESTIONS:

1. WtW grantees may outstation WtW staff at IV-D offices, and/or use WtW funds to support a WtW recruitment and referral liaison at these offices, in order to increase recruitment and referral of NCPs to WtW programs.
2. As appropriate, IV-D and WtW entities may utilize public relations tools such as public service announcements, information posters on public transportation, television and radio advertisements, etc. to increase NCP interest and participation in WtW programs.
3. IV-D and WtW agencies may establish agreements outlining the responsibilities of each party with regard to referral and information-sharing processes. Title VIII of H.R. 3424, enacted as part of the Consolidated Appropriations Act for Fiscal Year (FY) 2000, contains the "Welfare to Work and Child Support Amendments of 1999" (the 1999 Amendments). The 1999 Amendments allow State IV-D agencies to share specified information on potentially-eligible NCPs with WtW grantees who are PICs and WIA local boards, the successor entities of PICs. Please see the Policy Guidance section which follows for additional information related to information-sharing.
4. IV-D and WtW agencies may link State and local WtW and IV-D web sites to facilitate programmatic information-sharing.
5. As appropriate, IV-D entities may outreach to WtW-eligible NCPs by sending an invitational mailing on WtW grantee letterhead, alleviating NCP reluctance to respond to mailings coming directly from the IV-D entity on State or local government letterhead.
6. WtW and IV-D entities may work with District Attorneys, the court system, One-Stop

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<sup>1</sup>Throughout this section, child support enforcement entities at the State and local levels will be referred to as "IV-D," the title and part of the Social Security Act which address child support enforcement provisions. The Federal office of child support within the U.S. Department of Health and Human Services will be referred to as "the Office of Child Support Enforcement," or "OCSE."



centers, and other systems which have contact with NCPs to alert those systems to the availability of WtW services for NCPs.

7. WtW entities may contract with IV-D entities to provide NCPs with recruitment and referral services to WtW programs. This may be an especially useful strategy for WtW competitive grantees who are not also PICs or WIA local boards, as the 1999 Amendments grant State IV-D agencies authority to share specified information on potentially-eligible NCPs only with PICs or WIA local boards.

8. For new and existing clientele, IV-D and WtW staff may develop protocols for cross-program referral, as appropriate.

9. WtW entities may improve their strategies for working with NCPs by collaborating with established fatherhood and NCP programs and organizations, as well as with One-Stop centers, who may have additional contact with NCPs.

10. The IV-D system may attempt to create incentives, such as the compromise of arrearages in appropriate cases (refer to HHS-ACF-CSE Policy Interpretation Question 99-03, available on the Internet at <http://www.acf.dhhs.gov/programs/cse/pol/piq-9903.htm>), to encourage NCP participation in WtW.

11. IV-D and WtW entities are encouraged to maximize the opportunities for collaboration and joint planning available through the required personal responsibility contracts, which are mandated by the 1999 Amendments for all NCPs participating in the WtW program. These contracts are an effective tool for both entities, by securing NCP agreement to participate in the WtW program, and by guaranteeing the IV-D agency that the NCP will make child support payments.

#### POLICY GUIDANCE:

1. Title VIII of H.R. 3424, enacted as part of the Consolidated Appropriations Act for FY 2000, contains the "Welfare to Work and Child Support Amendments of 1999" (the 1999 Amendments). The 1999 Amendments make several significant changes to the WtW grant programs administered by DOL, and have an important impact upon serving NCPs in the WtW program:

a. Before the 1999 Amendments, the WtW statute provided that NCPs who met two of three specified barriers to employment, and whose children were long-term TANF recipients, could be served under the 70% eligibility category. Under the 1999 Amendments, NCPs are eligible under the 70% eligibility category if:

(1) they are unemployed, underemployed, or having difficulty paying child

support obligations; and

(2) their minor children are eligible for, or receiving TANF benefits (with a preference for parents with children who are long-term recipients), received TANF benefits during the preceding year, or are eligible for, or receiving assistance under the Food Stamps Program, the Supplemental Security Income Program, Medicaid, or the Children's Health Insurance Program; and

(3) they enter into a personal responsibility contract under which they commit to cooperating in establishing paternity and paying child support, to participating in services to increase their employment and earnings, and to supporting their children.

The 1999 Amendments also require WtW grantees to consult with domestic violence organizations in developing these projects to serve NCPs.

b. Before the 1999 Amendments, the WtW statute provided that NCPs who had characteristics associated with long-term welfare dependency could be served under the 30% eligibility category. Under the 1999 Amendments, there is no longer a specific eligibility provision for NCPs in the 30% category, as the 1999 Amendments created a separate provision for NCPs in the 70% category.

c. Under the 1999 Amendments, State agencies responsible for enforcing child support orders (State IV-D agencies) now have the authority to share specified information on potentially-eligible NCPs for the purpose of identifying and contacting them regarding participation in the WtW program. This information can include names, addresses, telephone numbers and identifying case number information, and can only be shared with WtW grantees who are PICs and WIA local boards, the successor entities of PICs. The State must ensure that the PIC or WIA local board has procedures in place for safeguarding the privacy of this information and for ensuring that the information will be used solely for WtW recruiting purposes.

### **III. Tools and Resources for Improving Coordination and Program Performance**

The information we provide below is a collection of existing publications and initiatives which can assist program operators in improving recruitment and referral to their programs, and in addressing programmatic challenges. We have grouped these resources according to the system which issued or initiated them.

#### **A. Resources from the WtW System**

1. Information on the WtW and Child Support Amendments of 1999 is located on the Internet at <http://wtw.doleta.gov/laws-regs/99amend-index.htm>.

2. Contact information for Regional WtW staff in DOL-ETA is located on the Internet at <http://wtw.doleta.gov/techassist/contacts.htm>.

3. Contact information for local Service Delivery Area entities administering WtW formula grant programs is located on the Internet at <http://wtw.doleta.gov/techassist/contacts.htm>.

4. Contact information for WtW competitive grantees is located on the Internet at <http://wtw.doleta.gov/competitive/default.htm>.

5. WtW policy and guidance documents are located on the Internet at <http://wtw.doleta.gov/laws-regs/default.htm>. Questions and answers pertaining to WtW program operation are located on the Internet at <http://wtw.doleta.gov/qsanda.htm>.

6. Conference reports suggested that program operators are interested in information on minimum wage and Fair Labor Standards Act (FLSA) requirements, WtW nondiscrimination protections, and other workplace laws which apply to welfare recipients. DOL's Employment Standards Administration, in conjunction with the U.S. Department of Agriculture, has published a guide, *How Workplace Laws Apply to Welfare Recipients*, which addresses these issues. The guide is available at the following Internet address: <http://www.dol.gov/dol/asp/public/w2w/welfare.htm>. Federal contact information for the FLSA, the Occupational Safety and Health Act (OSHA), Unemployment Insurance (UI), and other non-discrimination laws are also available on this website.

7. The WtW Technical Assistance Internet site is located at <http://wtw.doleta.gov/techassist/default.htm>. This site provides technical assistance tools by topic (transportation, rural issues, etc.), financial management tools and other products, and links to grantees operating issue-specific programs.

8. Reports, studies, and publications relevant to WtW and welfare reform are available on the Internet at <http://wtw.doleta.gov/documents/reportspub.htm>. Recent topics addressed in publications available on the site include employer recruitment, job creation, and Federal housing employment and training services.

9. Information on WIA and the One-Stop Center system is available at <http://www.usworkforce.org>.

## **B. Resources from the TANF System**

1. Contact information for National and Regional staff in the Administration for Children and Families is located on the Internet at <http://www.acf.dhhs.gov/orgs/>.

2. Policy documents related to TANF implementation are located on the Internet at <http://www.acf.dhhs.gov/programs/ofa/policy.htm>.

3. Entities operating TANF and WtW programs are encouraged to utilize the Welfare Peer Technical Assistance Network, by phone at (301) 270-0841, and on the Internet at <http://www.calib.com/peerta>. The Peer Technical Assistance Network, funded by ACF's Office of Family Assistance, builds linkages between States, and among counties and communities working to move welfare and low-income families toward self-sufficiency. The Network provides peer-to-peer technical assistance in welfare reform, primarily to States, but also to counties, localities, and community-based organizations, and enables States to share information about promising practices and establish linkages through online exchanges and facilitated technical assistance events. The Network facilitates technical assistance in a variety of areas, including transportation, post-employment services, substance abuse, rural partnerships, and domestic violence. The Network evaluates requests for assistance according to certain criteria. If a request meets the criteria, the Network identifies States or other entities that can provide the needed guidance and facilitates peer-to-peer assistance in one of the following forums: moderated teleconferences; problem-solving workshops; and/or site visits.

### **C. Resources from the Child Support System**

1. State IV-D-related resources and contact information is located on the OCSE web site, at <http://www.acf.dhhs.gov/programs/cse/extinf.htm#exta>.

2. OCSE has taken steps to insure that the child support community is aware of the WtW program and its potential for eligible NCPs. They also have encouraged States to participate, as appropriate, in WtW activities. These efforts usually take the form of a "Dear Colleague Letter" or "DCL," OCSE's standard communication tool to States and regions. These are comparable to the DOL-ETA Training and Employment Information Notices (TEINs). Child support entities should ensure that they are familiar with the information contained in all DCLs regarding WtW and employment services for NCPs. DCLs (and other policy documents) may be found at the following Internet address: <http://www.acf.dhhs.gov/programs/cse/poldoc.htm>. Relevant DCLs include:

a. DCL #97-20, "Work First Guide," issued 4/16/97, cited the new requirements for NCPs under Section 365 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

b. DCL #97-75, "Funding Opportunities For The Employment And Training Of Noncustodial Parents," issued 11/7/97, alerted IV-D entities to the passage of the WtW legislation, the Balanced Budget Act of 1997, and provided information on funding strategies.

c. OCSE and Office of Family Assistance (OFA) joint DCL #98-11, "Welfare-to-Work Grants," issued 2/9/98, encouraged IV-D and TANF agencies to work together to support the WtW program.

d. DCL #99-137, "Consolidated Appropriations Act for FY 2000," issued 12/14/99. This DCL alerted State agencies that PL 106-113 was signed 11/29/99 and provided a description of Section 805 of the bill, which permits the disclosure of specified information on NCPs to PICs and WIA local boards, the successor entities of PICs, for the purpose of identifying and contacting NCPs for participation in work programs.

3. To further OCSE's support of the WtW program, an OCSE/WtW Federal liaison at the National level was appointed in the spring of 1999. This liaison provides technical assistance to the IV-D system regarding WtW, and to the WtW system on ways to collaborate with the IV-D system. The liaison, Mr. Dail Moore, can be reached by telephone at (202) 401-3438, or by E-mail at [dmoore@acf.dhhs.gov](mailto:dmoore@acf.dhhs.gov).

4. OCSE seeks out and promotes promising practices in State and local WtW programs and related activities, especially where child support and/or NCP issues are involved. Exemplary practices will soon be available on OCSE's web site in their National Electronic Child Support Resource System, at <http://ocse.acf.dhhs.gov/necsrspub/>.